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**APPENDIX A — ORDER OF THE
UNITED STATES COURT OF APPEALS FOR THE
NINTH CIRCUIT, DATED NOVEMBER 9, 2022**

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

No. 22-55776

D.C. No. 5:22-cv-00733-SVW-AS
Central District of California, Riverside

HRAIR KALADJIAN, ESQUIRE,

Plaintiff-Appellant,

v.

JOSEPH R. BIDEN, IN HIS OFFICIAL CAPACITY
AS PRESIDENT OF THE UNITED STATES; *et al.*,

Defendants-Appellees.

ORDER

Before: McKEOWN, WARDLAW, and W. FLETCHER,
Circuit Judges.

A review of the record and the opening brief indicates that the questions raised in this appeal are so insubstantial as not to require further argument. *See United States v. Hooton*, 693 F.2d 857, 858 (9th Cir. 1982) (stating standard). Accordingly, appellees' motion for summary

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affirmance of the district court's May 11, 2022 order
(Docket Entry No. 2) is granted.

AFFIRMED.

**APPENDIX B — OPINION OF THE
UNITED STATES DISTRICT COURT FOR THE
CENTRAL DISTRICT OF CALIFORNIA,
FILED MAY 11, 2022**

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 5:22-cv-00733-SVW-AS
Date 5/11/2022
Title *Hrair Kaladjian v. Joseph R. Biden et al*

JS-6

Present: The Honorable STEPHEN V. WILSON,
UNITED STATES DISTRICT JUDGE

Proceedings: ORDER DENYING PLAINTIFF'S
EX PARTE APPLICATION FOR A TEMPORARY
RESTRAINING ORDER [2] AND DISMISSING CASE

Before the Court is a *ex parte* application for a temporary restraining order ("TRO") and preliminary injunction brought by Plaintiff Hrair Kaladjian.¹ For the reasons below, the application is DENIED because Plaintiff lacks standing. For the same reason, this case is DISMISSED with prejudice.

1. Though Plaintiff is proceeding pro se, Plaintiff is not the typical layperson pro se plaintiff; rather, Plaintiff is a practicing attorney licensed by the State of California.

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Plaintiff brought this action against President Biden, Secretary of State Blinken, and the U.S. Department of State and filed the instant TRO application to enjoin Defendants from waiving Section 907 of the Freedom Support Act of 1992 ("FSA"). *See* Mem. ISO Ex Parte App. 1, ECF No. 3 ("Pl. Br."). Section 907 of the FSA restricts foreign aid to the government of Azerbaijan unless the President concludes and reports to Congress that Azerbaijan has taken steps to end blockades and offensive military actions against Armenia. However, the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 2002 authorizes the President to waive Section 907 on an annual basis. Defendants submit that President Bush first exercised this waiver authority in 2002, and the waiver has been extended each year thereafter to facilitate aid to Azerbaijan in support of counter-terrorism goals. *See* Opp. to Pl. Br., ECF No. 18 ("Opp.").

Plaintiff claims that the waiver of Section 907 violates his equal protection rights because it facilitates discrimination against those of Armenian descent, such as himself, and Plaintiff also claims that the waiver violates the Administrative Procedures Act ("APA") by failing to comply with certain reporting requirements. Pl. Br. 8; Compl. ¶¶ 1, 38-55.

However, Plaintiff's claims fail at the starting gate because Plaintiff lacks standing. To establish Article III standing, Plaintiff must show (1) an injury in fact, (2) causation between his injury and the complained-of conduct, and (3) a likelihood that the requested relief would redress his injury. *See Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560-61, 112 S. Ct. 2130, 119 L. Ed. 2d 351 (1992). Plaintiff cannot establish any of these three requirements.

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First, Plaintiff has not articulated any “concrete” and “particularized” harm that he faces. *Id.* at 560. Plaintiff refers only to generalized “discrimination and violence” or “Armenophobia” that will be inflicted upon him in some unspecified form, by unspecified actors, in an unspecified time and place. *See, e.g.*, Pl. Br. 8-9, 11; Compl. ¶¶ 19, 36. The closest Plaintiff comes to identifying a concrete injury in fact is noting his inability to travel to Azerbaijan because its government bars entry by those of Armenian ancestry. *See* Pl. Br. 9-11; Compl. ¶¶ 42-45. Yet even this is nothing more than “pure speculation,” as Plaintiff has not expressed any *actual* desire to travel to Azerbaijan. *See Lujan*, 504 U.S. at 567; *see generally* Kaladjian Decl., ECF No. 4.

Moreover, even liberally construing Plaintiff’s papers and assuming that he had plausibly alleged some imminent injury in fact, say a threat of bodily harm from some ethno-nationalist Azerbaijani faction in the United States, Plaintiff would still lack standing because he cannot show causation or redressability. *See Lujan*, 504 U.S. at 560-61.

Plaintiff’s implicit theory of causation seems to be as follows: (a) the waiver of Section 907 permits U.S. foreign aid to flow to the government of Azerbaijan; (b) U.S. foreign aid bolsters the Azerbaijani government; and (c) thereby facilitates the Azerbaijani government’s discriminatory rhetoric and policy; which (d) supports or influences anti-Armenian groups in the United States; who (e) then become more likely to target Plaintiff *specifically* for violence (or other discriminatory conduct).

The speculative leaps in Plaintiff’s logic are simply gargantuan. The causal chain is too attenuated to withstand scrutiny. *See Lujan*, 504 U.S. at 569-71. Plaintiff

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has offered nothing — absolutely nothing — to suggest that if the U.S. government were barred from providing foreign aid to Azerbaijan, its government would end its anti-Armenian policies and pronouncements.² Nor is there any reason to suspect that even if the Azerbaijani government *did* change its tune, anti-Armenian groups here in the U.S. would do likewise and cease any discrimination they would have otherwise directed toward Plaintiff. Thus, there is simply no basis to conclude that granting Plaintiff the relief he requests — enjoining further foreign aid to Azerbaijan — is likely to redress the alleged harm Plaintiff identifies — anti-Armenian animus here in the United States. *See Lujan*, 504 U.S. at 570-71.

Indeed, in the Court's view, this case is a paradigmatic example of a lack of standing: a Plaintiff who invokes generic, generalized claims of injury, which, to the extent they are cognizable at all, are the product of "unfettered choices made by independent actors" — not the Defendants' complained-of conduct. *See Lujan*, 504 U.S. at 562 (internal citations and quotations omitted). Such claims do not present a "case or controversy" that is justiciable in federal court. *See id.*

Accordingly, Plaintiff's application for TRO is DENIED and this case is DISMISSED with prejudice for lack of standing.

IT IS SO ORDERED.

2. Indeed, if anything, Plaintiff's papers suggest the opposite: given that Plaintiff's application notes the long-running ethnic strife in the region, *see* Pl. Br. 1-3, the most obvious inference is that the Azerbaijani government would *persist* in its animus towards Armenians.

**APPENDIX C — CONSTITUTIONAL AND
STATUTORY PROVISIONS**

U.S. CONST., ART. III, SEC. 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

*Appendix C***U.S. CONST., AMEND. V**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

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22 U.S.C. §5812

§5812. Program coordination, implementation, and oversight

(a) Coordination

The President shall designate, within the Department of State, a coordinator who shall be responsible for-

- (1) designing an overall assistance and economic cooperation strategy for the independent states of the former Soviet Union;
- (2) ensuring program and policy coordination among agencies of the United States Government in carrying out the policies set forth in this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);
- (3) pursuing coordination with other countries and international organizations with respect to assistance to independent states;
- (4) ensuring that United States assistance programs for the independent states are consistent with this Act (including the amendments made by this Act and chapter 12 of part I of the Foreign Assistance Act of 1961 [22 U.S.C. 2296 et seq.]);
- (5) ensuring proper management, implementation, and oversight by agencies responsible for assistance programs for the independent states; and

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(6) resolving policy and program disputes among United States Government agencies with respect to United States assistance for the independent states.

(b) Export promotion activities

Consistent with subsection (a), coordination of activities related to the promotion of exports of United States goods and services to the independent states of the former Soviet Union shall continue to be primarily the responsibility of the Secretary of Commerce, in the Secretary's role as Chair of the Trade Promotion Coordination Committee.

(c) International economic activities

Consistent with subsection (a), coordination of activities relating to United States participation in international financial institutions and relating to organization of multilateral efforts aimed at currency stabilization, currency convertibility, debt reduction, and comprehensive economic reform programs shall continue to be primarily the responsibility of the Secretary of the Treasury, in the Secretary's role as Chair of the National Advisory Council on International Monetary and Financial Policies and as the United States Governor of the international financial institutions.

(d) Accountability for funds

Any agency managing and implementing an assistance program for the independent states of the former Soviet Union shall be accountable for any funds made available to it for such program.

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(*Pub. L. 102-511, title I, §102, Oct. 24, 1992, 106 Stat. 3322; Pub. L. 106-113, div. B, §1000(a)(2) [title V, §596(c)], Nov. 29, 1999, 113 Stat. 1535, 1501A-126.*)

Editorial Notes
References in Text

This Act, referred to in subsec. (a)(2), (4), is Pub. L. 102-511, Oct. 24, 1992, 106 Stat. 3320, as amended, known as the Freedom for Russia and Emerging Eurasian Democracies and Open Markets Support Act of 1992 and also as the FREEDOM Support Act. For complete classification of this Act to the Code, see Short Title note set out under section 5801 of this title and Tables.

The Foreign Assistance Act of 1961, referred to in subsec. (a)(2), (4), is Pub. L. 87-195, Sept. 4, 1961, 75 Stat. 424, as amended. Chapter 12 of part I of the Act is classified generally to part XII [§2296 et seq.] of subchapter I of chapter 32 of this title. For complete classification of this Act to the Code, see Short Title note set out under section 2151 of this title and Tables.

Amendments

1999-Subsec. (a)(2), (4). Pub. L. 106-113 substituted “this Act and chapter 12 of part I of the Foreign Assistance Act of 1961)” for “this Act)”.

Statutory Notes and Related Subsidiaries
Russian and Ukrainian Business Management
Education

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Pub. L. 106-113, div. B, §1000(a)(7) [div. A, title IV, subtitle B], Nov. 29, 1999, 113 Stat. 1536, 1501A-448, provided that:

"SEC. 421. PURPOSE.

"The purpose of this subtitle is to establish a training program in Russia and Ukraine for nationals of those countries to obtain skills in business administration, accounting, and marketing, with special emphasis on instruction in business ethics and in the basic terminology, techniques, and practices of those disciplines, to achieve international standards of quality, transparency, and competitiveness.

"SEC. 422. DEFINITIONS.

"In this subtitle:

"(1) Distance learning.-The term 'distance learning' means training through computers, interactive videos, teleconferencing, and videoconferencing between and among students and teachers.

"(2) Eligible enterprise.-The term 'eligible enterprise' means-

"(A) in the case of Russia-

"(i) a business concern operating in Russia that employs Russian nationals in Russia; or

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“(ii) a private enterprise that is being formed or operated by former officers of the Russian armed forces in Russia; and

“(B) in the case of Ukraine-

“(i) a business concern operating in Ukraine that employs Ukrainian nationals in Ukraine; or

“(ii) a private enterprise that is being formed or operated by former officers of the Ukrainian armed forces in Ukraine.

“(3) Eligible national.-The term ‘eligible national’ means the employee of an eligible enterprise who is employed in the program country.

“(4) Program.-The term ‘program’ means the program of technical assistance established under section 423.

“(5) Program country.-The term ‘program country’ means-

“(A) Russia in the case of any eligible enterprise operating in Russia that receives technical assistance under the program; or

“(B) Ukraine in the case of any eligible enterprise operating in Ukraine that receives technical assistance under the program.

“SEC. 423. AUTHORIZATION FOR TRAINING PROGRAM AND INTERNSHIPS.

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“(a) Training Program.-

“(1) In general.-The President is authorized to establish a program of technical assistance to provide the training described in section 421 to eligible enterprises.

“(2) Implementation.-Training shall be carried out by United States nationals having expertise in business administration, accounting, and marketing or by eligible nationals who have been trained under the program. Such training may be carried out-

“(A) in the offices of eligible enterprises, at business schools or institutes, or at other locations in the program country, including facilities of the armed forces of the program country, educational institutions, or in the offices of trade or industry associations, with special consideration given to locations where similar training opportunities are limited or nonexistent; or

“(B) by ‘distance learning’ programs originating in the United States or in European branches of United States institutions.

“(b) Internships With United States Domestic Business Concerns.-Authorized program costs may include the travel expenses and appropriate in-country business English language training, if needed, of eligible nationals who have completed training under the program to undertake shortterm internships with business concerns in the United States.

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"SEC. 424. APPLICATIONS FOR TECHNICAL ASSISTANCE.

"(a) Procedures.-

"(1) In general.-Each eligible enterprise that desires to receive training for its employees and managers under this subtitle shall submit an application to the clearinghouse under subsection (c), at such time, in such manner, and accompanied by such additional information as may reasonably be required.

"(2) Joint applications.-A consortium of eligible enterprises may file a joint application under the provisions of paragraph (1).

"(b) Contents.-An application under subsection (a) may be approved only if the application-

"(1) is for an individual or individuals employed in an eligible enterprise or enterprises applying under the program;

"(2) describes the level of training for which assistance under this subtitle is sought;

"(3) provides evidence that the eligible enterprise meets the general policies adopted for the administration of this subtitle;

"(4) provides assurances that the eligible enterprise will pay a share of the costs of the training, which share may include in-kind contributions; and

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“(5) provides such additional assurances as are determined to be essential to ensure compliance with the requirements of this subtitle.

“(c) Clearinghouse.-A clearinghouse shall be established or designated in each program country to manage and execute the program in that country. The clearinghouse shall screen applications, provide information regarding training and teachers, monitor performance of the program, and coordinate appropriate post-program follow-on activities.

“SEC. 425. RESTRICTIONS NOT APPLICABLE.

“Prohibitions on the use of foreign assistance funds for assistance for the Russian Federation or for Ukraine shall not apply with respect to the funds made available to carry out this subtitle.

“SEC. 426. AUTHORIZATION OF APPROPRIATIONS.

“(a) In General.-There is authorized to be appropriated \$10,000,000 for the fiscal year 2000 and \$10,000,000 for the fiscal year 2001 to carry out this subtitle.

“(b) Availability of Funds.-Amounts appropriated under subsection (a) are authorized to remain available until expended.”

Restriction on Assistance to Azerbaijan

Pub. L. 107-115, title II [(g)(2)-(6)], Jan. 10, 2002, 115 Stat. 2129, provided that:

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“(2) The President may waive section 907 of the FREEDOM Support Act [Pub. L. 102-511, set out below] if he determines and certifies to the Committees on Appropriations that to do so-

“(A) is necessary to support United States efforts to counter international terrorism; or

“(B) is necessary to support the operational readiness of United States Armed Forces or coalition partners to counter international terrorism; or

“(C) is important to Azerbaijan’s border security; and

“(D) will not undermine or hamper ongoing efforts to negotiate a peaceful settlement between Armenia and Azerbaijan or be used for offensive purposes against Armenia.

“(3) The authority of paragraph (2) may only be exercised through December 31, 2002.

“(4) The President may extend the waiver authority provided in paragraph (2) on an annual basis on or after December 31, 2002 if he determines and certifies to the Committees on Appropriations in accordance with the provisions of paragraph (2).

“(5) The Committees on Appropriations shall be consulted prior to the provision of any assistance made available pursuant to paragraph (2).

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“(6) Within 60 days of any exercise of the authority under paragraph (2) the President shall send a report to the appropriate congressional committees specifying in detail the following-

“(A) the nature and quantity of all training and assistance provided to the Government of Azerbaijan pursuant to paragraph (2);

“(B) the status of the military balance between Azerbaijan and Armenia and the impact of United States assistance on that balance; and

“(C) the status of negotiations for a peaceful settlement between Armenia and Azerbaijan and the impact of United States assistance on those negotiations.”

[Functions of President under subsecs. (g)(4) and (6) of title II of Pub. L. 107-115, set out above, delegated to Secretary of State by section 1-100(a)(13) of Ex. Ord. No. 12163, Sept. 29, 1979, 44 F.R. 56673, as amended, set out as a note under section 2381 of this title.]

Pub. L. 102-511, title IX, §907, Oct. 24, 1992, 106 Stat. 3357, provided that: “United States assistance under this or any other Act (other than assistance under title V of this Act [22 U.S.C. 5851 et seq.]) may not be provided to the Government of Azerbaijan until the President determines, and so reports to the Congress, that the Government of Azerbaijan is taking demonstrable steps to cease all blockades and other offensive uses of force against Armenia and Nagorno-Karabakh.”

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Support for Macroeconomic Stabilization in Independent States of Former Soviet Union Pub. L. 102-511, title X, §1004, Oct. 24, 1992, 106 Stat. 3360, provided that:

“(a) In General.-In order to promote macroeconomic stabilization and the integration of the independent states of the former Soviet Union into the international financial system, enhance the opportunities for trade, improve the climate for foreign investment, and strengthen the process of transformation of the former socialist economies into free enterprise systems and thereby progressively enhance the well-being of the citizens of these states, the United States should in appropriate circumstances take a leading role in organizing and supporting multilateral efforts at macroeconomic stabilization and debt rescheduling, conditioned on the appropriate development and implementation of comprehensive economic reform programs.

“(b) Currency Stabilization.-In furtherance of the purposes and consistent with the conditions described in subsection (a), the Congress expresses its support for United States participation, in sums of up to \$3,000,000,000, in a currency stabilization fund or funds for the independent states of the former Soviet Union.

“(c) Study of the Need for and Feasibility of a Currency Stabilization Fund for Ukraine.-The Secretary of the Treasury shall instruct the United States Executive Director of the International Monetary Fund to use the voice and vote of the United States to urge the Fund to conduct a study of the need for and feasibility of a currency

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stabilization fund for Ukraine, and, if it is found that such a fund is needed and is feasible, which considers and makes recommendations with respect to the economic and policy conditions required for the success of such a fund.”

*Report on Debt of Former Soviet Union Held by
Commercial Financial Institutions*

Pub. L. 102-511, title X, §1007, Oct. 24, 1992, 106 Stat. 3361, directed Secretary of the Treasury, using information available from the International Monetary Fund, the International Bank for Reconstruction and Development, and other appropriate international financial institutions, to report to Congress, not later than one year after Oct. 24, 1992, on the debt incurred by the former Soviet Union that is held by commercial financial institutions outside the independent states of the former Soviet Union that are obligated on such debt.